

**REMARKS**

Applicant has carefully reviewed the Application in light of the Office Action mailed November 1, 2004. At the time of the Office Action, Claims 1-21 were pending in the Application. Applicant respectfully requests reconsideration of the pending claims and favorable action in this case.

**Consideration of Information Disclosure Statement**

Applicant submits an Information Disclosure Statement (IDS) with this Response. Applicant respectfully requests the Examiner to review this IDS and to formally indicate that these materials have been considered in the context of the pending prosecution. Applicant suggests the Examiner use a PTO-1449 to provide written notification to this effect.

**Section 103 Rejections**

The Examiner rejects Claims 1, 3, 8, 10, and 15 under 35 U.S.C. §103(a), as being unpatentable over U.S. Patent No. 6,072,333 issued to Tsukagoshi, et al. (hereinafter "*Tsukagoshi*"). The Examiner also rejects Claims 2 and 9 under 35 U.S.C. §103(a), as being unpatentable over *Tsukagoshi* as applied to Claim 1 and further in view of U.S. Patent No. 5,973,506 issued to Trimberger, et al. (hereinafter "*Trimberger*").

To defeat a patent under 35 U.S.C. §103, the claimed *combination* must be obvious. *Kimberly-Clark Corp. v. Johnson & Johnson*, 745 F.2d 1437, 223 U.S.P.Q. 603 (Fed. Cir. 1984). Therefore, it is essential to view the invention as a whole, taking each element into account as well as the advantages, properties, utilities, and results of the invention. *In re Chupp*, 816 F.2d 643, 2 U.S.P.Q.2d 1437 (Fed. Cir. 1987).

The Examiner rejects Claim 1 under 35 U.S.C. §103(a), as being unpatentable over *Tsukagoshi*. Applicant respectfully submits that the combination fails to disclose, teach, or suggest the limitations recited in Applicant's claims. For example, *Tsukagoshi* fails to teach "driving the released data line to a third state if the first data signal is a logic one and the second data signal is a logic one" as recited in Claim 1. The Examiner admits that *Tsukagoshi* does not disclose "the first data signal is a logic one and the second data signal is a logic one." *Office Action*, p. 4. In combination with *Tsukagoshi*, the Examiner relies on the "appreciat[ion] that the voltage level . . . will be higher than the case when the transistors are

complementarily turned ON and OFF” when both a PMOS transistor and a NMOS transistor are turned on. *Office Action*, p. 4. The Examiner is requested to produce a reference in support of this position pursuant to M.P.E.P. § 2144.03. In addition, Applicant respectfully submits that the combination of *Tsukagoshi* and common knowledge does not disclose, teach, or suggest each limitation of Applicant’s Claim 1. Accordingly, Applicant respectfully requests reconsideration and allowance of independent Claim 1 together with its dependents.

Independent Claims 8 and 15 recite certain limitations that, for reasons substantially similar to those discussed with reference to independent Claim 1, are not disclosed, taught, or suggested by the combination. Applicant respectfully requests reconsideration and allowance of independent Claims 8 and 15 together with their dependents.

Dependent Claims 3 and 10 that depend upon Claims 1 and 8, respectively include limitations of their respective independent claims and add additional elements that further distinguish the combination. Therefore, the combination of *Tsukagoshi* and common knowledge fails to disclose, teach, or suggest the limitations recited in Claims 3 and 10. Accordingly, Applicant respectfully requests that the rejection of these claims be withdrawn.

The Examiner rejects Claims 2 and 9 as being unpatenable over *Tsukagoshi* in view of *Trimberger*. Applicant respectfully submits that *Tsukagoshi* does not disclose, teach, or suggest the limitations recited in Applicant’s claims. Dependent Claims 2 and 9 that depend upon Claims 1 and 8, respectively include limitations of their respective claims and add additional elements that further distinguish the combination. Combining *Tsukagoshi* and *Trimberger* does not cure these deficiencies. Accordingly, Applicant respectfully requests reconsideration and allowance of Claims 2 and 9.

#### **Allowable Subject Matter**

Applicant notes with appreciation the Examiner’s allowance of Claims 4-7, 11-14, and 16-21. The Examiner indicates that the subject matter of these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. *Office Action*, p. 6-9. As discussed above, Applicant believes that independent Claim 1 (from which Claims 4-7 depend), independent Claim 8 (from which Claims 11-14 depend), and independent Claim 15 (from which Claims 16-21 depend) are allowable in their current form. Therefore, Applicant has kept Claims 4-7, 11-14, and 16-21

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in their dependent form and respectfully submits that Claims 4-7, 11-14, and 16-21 are allowable. Applicant further appreciates the allowance of Claims 19-21. Accordingly, Applicant respectfully requests reconsideration and allowance of Claims 1-21.

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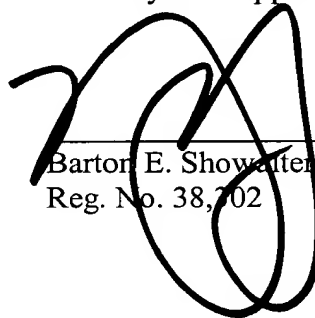
**CONCLUSION**

Applicant has now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicant respectfully requests reconsideration and allowance of the pending claims.

Applicant submits herewith a check in the amount of \$180.00 to cover the cost of the IDS filing fee. However, if this is not the case, the Commissioner is hereby authorized to charge any amount required or credit any overpayment to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicant invites the Examiner to contact its attorney, Barton E. Showalter, at (214) 953-6509.

Respectfully submitted,  
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Date: December 8, 2004

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